

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALEXSANDRA DORAN and
FELICIA LYNN DORAN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BRENDA LEA DORAN, a/k/a BRENDA
ALLISH,

Respondent-Appellant.

UNPUBLISHED
October 18, 2007

No. 277932
Saginaw Circuit Court
Family Division
LC No. 04-029365-NA

Before: Owens, P.J., and Bandstra and Davis, JJ.

MEMORANDUM.

Respondent appeals as of right the order terminating her parental rights under MCL 712A.19b(3)(c)(i) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent argues only that the lower court erred when it failed to notify her of the preliminary hearing. The court can conduct a preliminary hearing in a parent's absence only if the parent was notified or reasonable efforts were made to notify her. MCR 3.965(B)(1). Respondent did not receive notice because she moved to a different correctional facility. The record does not indicate why respondent could not have been notified at her new facility; therefore, it is questionable whether reasonable efforts were made.

However, respondent did not object until after her rights were terminated. She was notified of the next hearing, at which she pleaded no contest without mentioning notice. For two years, respondent participated in disposition hearings, review hearings, permanency planning hearings, a hearing on her motion to reinstate parenting time, and the termination hearing, without ever raising this issue. She cannot raise this issue for the first time when appealing termination of her parental rights. See *In re Gillespie*, 197 Mich App 440, 442; 496 NW2d 309 (1992).

Further, the error was harmless. See MCR 2.613. Respondent could not have prevented the children from entering foster care, at least while proposed placements were investigated, because she was in prison and she placed the children with someone deemed unsuitable. There

is no reason to believe that, while incarcerated, she could have made either the grandfather or stepfather a suitable placement. It is unknown whether the children would have been more amenable to the cousin if she was proposed slightly sooner, before they grew comfortable in the foster home. Regardless, respondent would have still been required to successfully complete substance abuse treatment. Her rights were terminated because she failed to do so more than a year after her release from prison. This was unrelated to whether she had notice of the preliminary hearing.

Affirmed.

/s/ Donald S. Owens
/s/ Richard A. Bandstra
/s/ Alton T. Davis